

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff

v.

DELIA J. BAEZ,

Defendant

Civil No. 05-10401-RCL

PROPOSED JUDGMENT UNDER THE FALSE CLAIMS ACT

1. This is a judgment pursuant to the False Claims Act, 31 U.S.C. § 3729 et seq., and under the common law for fraud, unjust enrichment, and payment by mistake of fact.

2. The United States filed and served a Motion for Summary Judgment on January 17, 2006. Baez filed no opposition to the Motion.

3. On the basis of the evidence submitted by the United States, I find that Baez made numerous false statements to agencies administering funds of the United States. The funds were intended for assistance to the poor. She applied for and received housing subsidies, income assistance, Medicaid, and food stamps in the amount of \$71,932.40. See United States' Memorandum for Summary Judgment at 18. The benefits that she received were damages incurred by the United States.

4. I find that Baez was ineligible to receive these benefits because she had substantial income and personal assets, including two valuable real properties and significant cash assets. Indeed, Baez had \$62,552 in cash on her person on August 12, 2002, when the cash was seized from her at Logan Airport as she attempted to leave the country. See United States

Memorandum at 13-15.

5. I find that Baez failed to disclose her assets on her applications for assistance, and she disclosed only an income of \$100, more or less, in her applications for government assistance.

6. The False Claims Act, 31 U.S.C. § 3729(a), provides for assessment of three times the amount of damages that the government has sustained. See United States' Memorandum at 7. Three times the amount of \$71,932.40 in damages is \$215,797.50.

7. The False Claims Act, 31 U.S.C. § 3729(a), also provides for civil penalties of \$5,000 to \$10,000 for each false claim submitted for federal benefits. Because of the brazen and exploitative nature of Baez's conduct, the government requests and this Court assesses Baez the amount of \$10,000 for each of the 22 false claims proven by the United States, that is, \$220,000.

8. Accordingly, I hereby enter a judgment against Baez for the total amount of \$435,797.50.

SO ORDERED on this _____ day of _____, 2006.

Reginald C. Lindsay
United States District Court